

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

MS Word Export To Multiple PDF Files Software - Please purchase license.

DATE: October 31, 2002

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 02-0086 for a Use Permit for a Second Residential Unit.

PROPOSAL: To add a second unit to a single family residential property in the E4 (Small Estates) zoning district.

LOCATION: 12571 South Rosalind Dr. Orange - Third Supervisorial District.

APPLICANT: Mrs. Ruth Cardenas, owner.

STAFF Marta B. Crane, AICP, Project Manager

CONTACT: Phone: (714) 834-5144 FAX: (714) 834-4652

SYNOPSIS: The Current Planning Services Division recommends Zoning Administrator approval of the site development and use permits subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The site is located in unincorporated land within the City of Orange Sphere of Influence. The property is located one block south of La Veta, near the intersection of Yorba and Delia Lane. The site was developed in 1956 as a single family home, with an attached garage, which was later converted to living space and replaced with a covered carport. The garage conversion was part of a Use Permit (UP 84-42 Z) approved in 1984 to allow a Child Day Care use still operating in this property to date.

SURROUNDING LAND USE:

The property is located in a single family residential neighborhood, surrounded by single family homes also zoned E4, Small Estates". The property backs up to a service alley to the west (Exhibit 1).

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the subject site, and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to various reviewing Orange County Divisions and to the

City of Orange. The proposed second unit exceeds the City standard of 640 square feet maximum, but they did not recommend compliance with this requirement. They did, however, requested that a deed restriction be placed on the property to ensure that the property owner resides on site (Exhibit 2). However, the County of Orange does not have an owner-occupancy requirement for second units, therefore, this request cannot be granted as there would be no legal basis for this requirement. As of writing of this staff report, there are no issues raised by any Orange County Divisions.

CEQA COMPLIANCE:

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from the requirements (Class 3 Section 15303). Appendix A contains the required CEQA finding.

DISCUSSION/ANALYSIS:

The applicant, Mrs. Cardenas, is requesting approval of a use permit to add a second residential unit to the rear of her single family home. Second residential units in properties under one acre in size, such as Mrs. Cardenas' property, are permitted by Section 7-9-146.5(b) of the Orange County Zoning Code, provided a Use Permit is approved by the Zoning Administrator. The maximum square footage allowed by the Code may not exceed 1,200 square feet. Mrs. Cardenas second unit is proposed to be 1,080 square feet, therefore, it will meet this as well as all other applicable standards such as the required 7 ½ foot side yard setback, the 15 foot rear yard setback, and the 35 feet maximum height limitation.

The existing home is a one story structure located in a predominantly one story neighborhood while the proposed unit is planned to be two stories with a maximum height of 21 feet. Even though a two story addition to a single story home can alter the neighborhood scale and the bulk of the home, there are a few factors that can help minimize such potential impacts. One relates to the location of the proposed two story structure, which is proposed in the back yard, thus not as visible from the front of the property. This and the fact that the front elevation will remain unchanged, will help minimize potential impacts to the small neighborhood scale. The other factor is the location of the proposed addition, which is to be directly adjacent to the only other two-story structure on the adjacent property to the north. Both structures will almost mirror each other, thereby balancing what has been an isolated two story structure on the west side of this residential cul de sac.

The proposed second unit addition and its required parking space will be constructed in the back yard, reducing open space currently used for outdoor activities that are required for the Day Care use on the site. This open space may be critical to the operation of the Day Care, and therefore, the applicant will be required to verify and submit a letter to the project file stating that the remaining open space after the room addition will satisfy the Day Care licensing requirements. A condition of approval has been placed on the project to address this concern.

CONCLUSION:

Should the use permit be approved, the proposed second residential unit will comply with all required development standards in the E4 (Small Estates) zoning district. Therefore, staff supports approval of the project, subject to the findings and conditions recommended for this project stated in Appendices A and B of this report.

RECOMMENDED ACTION:

The Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0086 for a use permit to build second residential unit to a single family lot, subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief
CPSD/Site Planning Section

MBC
/staff reports/PA 02 0086

APPENDICES:

- A. Recommended Findings.
- B. Recommended Conditions of Approval.

EXHIBITS:

1. Project site and surrounding properties.
2. City of Orange Letter.
3. Set of Full Scale Plans.

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$ 245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.